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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

CLIFTON ROCHELLE CARR,

Defendant and Appellant.

B240447

(Los Angeles County Super. Ct.  
No. MA055050)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Hayden Zacky, Judge. Affirmed.

Linda Lydia Gordon, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Clifton Rochelle Carr was convicted by jury of possession of cocaine base for the purpose of sale, in violation of Health and Safety Code section 11351.5. The trial court sentenced defendant to the upper term of five years to be served in county jail, with custody and conduct credits totaling 180 days.

Defendant filed a timely notice of appeal. This court appointed counsel to represent defendant on appeal. Appointed counsel filed a brief raising no issues but requesting this court to independently review the record for arguable appellate contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court of his right to file a supplemental brief within 30 days. The 30-day period has elapsed, and no supplemental brief has been received from defendant.

We have completed our independent review of the record and find no arguable issues. Procedurally, the trial court granted defendant's request for self-representation, after taking a full and complete waiver of the right to counsel. Based on defendant's refusal to exit his cell at county jail requiring an extraction order and earlier conduct transgressions, the court rescinded self-representation and counsel was duly appointed. An affidavit of prejudice filed by defense counsel under Code of Civil Procedure section 170.6 was honored. All necessary procedures were followed at trial.

Defendant's conviction is supported by substantial evidence. He was arrested after being found shirtless, on a cold January afternoon, exhibiting symptoms of cocaine intoxication. Nine rocks of cocaine base with an estimated net weight of 1.98 grams, individually wrapped in cellophane, were recovered from defendant's pants pocket at the sheriff's station. Defendant possessed approximated \$200 in \$20 bills. A duly qualified expert opined the substance was possessed for the purpose of sale, based on the number of rocks of cocaine base and the \$20 bills defendant possessed.

The sentence imposed was within the range of punishment for a violation of Health and Safety Code section 11351.5. The upper term sentence was justified by

defendant's prior record, which included four prior grants of Proposition 36 probation.

The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

ARMSTRONG, Acting P. J.

MOSK, J.